



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 20 April 2004

PARLIAMENT OF QUEENSLAND AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (2.00 p.m.): I move—

That the bill be now read a second time.

I am pleased to introduce the Parliament of Queensland Amendment Bill 2004. The bill amends the Parliament of Queensland Act 2001 to reinstate a previously applicable exemption in respect of land transactions from the prohibition on members of this assembly transacting business with the state. On 27 November 2003 the CMC and the Auditor-General tabled their reports into matters relating to the Hon. Ken Hayward MP. In response to the tabling of the reports, the previous parliament referred to the former Members' Ethics and Parliamentary Privileges Committee an examination of section 71 of the Parliament of Queensland Act 2001 and the procedural amendments recommended by the CMC and Auditor-General in their reports. In addition, I instructed my department to examine the scope of section 71 of the act.

It has been confirmed that, during the drafting stage of the consolidation process in 2001, the specific exemption with respect to land transactions with the state provided for in the Constitution Act 1867 was inadvertently excluded from the consolidated Parliament of Queensland Act 2001. This omission has had the effect of increasing the scope of section 71 beyond that of the previously applicable provisions. Section 71 now applies to cases which were specifically and intentionally excluded by the earlier provisions. The scope of the provision has been extended at least as far as to disqualify members from entering into agreements with the state that involve transactions in land. That would include quite a number of people in this House who have involvement in leasehold land, many of whom sit on the other side of the parliament.

While it is anticipated that the new committee will look at this issue in greater depth, I have requested the preparation of a bill to reinstate the exemption with respect to land transactions as an interim measure. It is proposed that the amendment to section 70 of the Parliament of Queensland Act 2001 will, if passed, operate as a transitional provision. The practical effect of the proposed transitional provision will be the same as if the proposed amendment was to apply retrospectively from 6 June 2002, the date upon which the act commenced. The transitional period will ensure that all transactions in land since 6 June 2002 that would have been covered under the previously applicable provisions will be exempted under the amended section 70.

I now turn to the bill. Clause 3 of the bill amends section 70(2) of the Parliament of Queensland Act 2001 to specifically exclude certain circumstances from the definition of the term 'transacts business'. Agreements between a member and an entity of the state for the sale or purchase of an interest in land are excluded from the definition, provided that the terms of the agreement for sale or purchase are not more favourable to the member than they would be to a member of the public. Clause 4 of the bill inserts a new section 163 as a transitional provision. The new section provides that, during the transitional period, the prohibition on members transacting business with the state under section 71(2) is taken always to have applied in relation to a contract as if the amendment of section 70(2) had commenced on 6 June 2002, the date of commencement of the Parliament of Queensland Act 2001.

This provision will ensure that contracts that would be excluded from the definition of 'transacts business' under the amended section 70(2) that were entered into between 6 June 2002 and the date of commencement of this amendment will not be invalidated under section 71(2). Similarly, the new section 163 also provides that, in deciding whether a member has contravened section 71(1) during the transitional period, section 72(1)(h) is taken to apply as if the amendment of section 70(2) had commenced on 6 June 2002. This provision will ensure that contracts that would be excluded from the definition of 'transacts business' under the new section 70(2) that were entered into between 6 June 2002 and the date of commencement of the amendment will not be grounds for a resolution by the assembly that a member who entered into such a contract has contravened section 71(1) and, as a consequence, could have their seat declared vacant. I think that is all pretty clear, and I hope it is to everyone else.

The effect of the transitional provision will be to ensure that there is no period of time in which the exemption in respect of land transactions will not have application. It is appropriate that no member be penalised by the previous inadvertent and unpublicised removal of the exemption. I commend the bill to the House.